

EXHIBIT A



Notice of Service of Process

null / ALL
Transmittal Number: 24196019
Date Processed: 12/14/2021

Primary Contact: Bruce Buttarro; Hm Office Lgl SOP Paralegal
Liberty Mutual Insurance Company
175 Berkeley St
Boston, MA 02116-5066

Entity:	Liberty Mutual Insurance Company Entity ID Number 1765547
Entity Served:	Liberty Mutual Insurance Company
Title of Action:	Alex Charalambous vs. Liberty Mutual Insurance Company
Matter Name/ID:	Alex Charalambous vs. Liberty Mutual Group, Inc. and Liberty Mutual Ins. Co. (11634651)
Document(s) Type:	Summons and Amended Complaint
Nature of Action:	Class Action
Court/Agency:	Alameda County Superior Court, CA
Case/Reference No:	21CV000432
Jurisdiction Served:	California
Date Served on CSC:	12/13/2021
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Clapp & Lauinger LLP 760-209-6565

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

LIBERTY MUTUAL INSURANCE COMPANY, LIBERTY MUTUAL GROUP INC., and DOES 1 through 10, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ALEX CHARALAMBOUS and BRIAN PULLEN, individually and on behalf of all others similarly situated

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED
Superior Court of California
County of Alameda

10/15/2021

Chad Finkle, Executive Officer / Clerk of the Court

By: Shabira Iyamu Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Alameda County Superior Court- Oakland
1225 Fallon Street
Oakland, California 94612

CASE NUMBER: (Número del Caso):

21CV000432

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

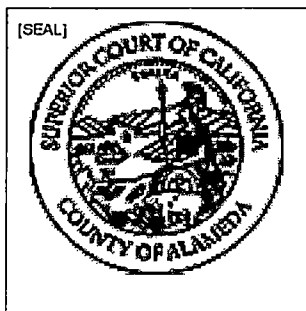
James F. Clapp, Marita Lauinger, CLAPP & LAUINGER, LLP, 701 Palmdale Blvd., Palmdale, CA 93550

DATE: 10/15/2021
(Fecha)

Clerk, by Shabira Iyamu, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify): Liberty Mutual Insurance Company
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
- ☒ by personal delivery on (date):

Page 1 of 1

ELECTRONICALLY FILED

Superior Court of California,
County of Alameda

10/15/2021 at 03:49:01 PM

By: Shabra Iyamu, Deputy Clerk

JAMES F. CLAPP (145814)
jclapp@clapplegal.com
MARITA MURPHY LAUINGER (199242)
mlauinger@clapplegal.com
CLAPP & LAUINGER LLP
701 Palomar Airport Road, Suite 300
Carlsbad, California 92011
Tel: 760-209-6565 ext. 101
Fax: 760-209-6565

Attorneys for Plaintiffs
ALEX CHARALAMBOUS and BRIAN PULLEN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA - OAKLAND

ALEX CHARALAMBOUS and BRIAN
PULLEN, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

LIBERTY MUTUAL INSURANCE
COMPANY, LIBERTY MUTUAL GROUP
INC., and DOES 1 through 10, inclusive,

Defendants.

CASE NO.

CLASS ACTION COMPLAINT

**1. FAILURE TO INDEMNIFY FOR ALL
NECESSARY BUSINESS EXPENSES
(CAL. LAB. CODE § 2802)**

**2. VIOLATION OF CAL. BUS & PROF.
CODE § 17200**

Jury Trial Demanded

Plaintiffs Alex Charalambous and Brian Pullen, on behalf of themselves and all
others similarly situated complain and allege as follows:

INTRODUCTION

1. This is a class action under California Code of Civil Procedure § 382 seeking
reimbursement of all unreimbursed business expenses, interest, attorney's fees and costs on
behalf of current and former employees of Defendants Liberty Mutual Insurance Company,
Liberty Mutual Group Inc. and DOES 1-10, inclusive, who were not reimbursed for
necessary business expenses as a result of Defendants' violations of California Labor Code §
2802 in the last four years preceding the filing of this action.

///

1 10. Defendants are collectively referred to herein as Defendants and/or Liberty
2 Mutual.

3 11. All of Plaintiffs' claims stated herein are asserted against Defendants and any
4 of their owners, predecessors, successors, subsidiaries, and/or assigns.

5 **FACTUAL BACKGROUND**

6 12. Plaintiffs and similarly situated employees of Defendants were subject to
7 common policies, practices and/or procedures regarding reimbursement of reasonable and
8 necessary expenses, including expenses incurred while employees worked from home during
9 the COVID-19 pandemic.

10 13. Plaintiffs and similarly situated employees incurred reasonable and necessary
11 business expenses, including expenses incurred while working from home during the
12 COVID-19 pandemic, including without limitation: fees and charges for internet service,
13 cellphone and/or telephone service, telecommunications equipment, cost of home office
14 equipment (e.g., computers, printers, scanners, extra monitors, and headsets), office supplies,
15 increased electricity and other utility bills, and the fair rental value of space occupied by the
16 home office.

17 14. Defendants knew or reasonably should have known that Plaintiffs and the
18 Class were incurring such expenses but have failed to indemnify or reimburse Plaintiffs and
19 similarly situated employees for these expenditures.

20 **CLASS ACTION ALLEGATIONS**

21 15. Plaintiffs bring this action, on behalf of themselves and all others similarly
22 situated, as a class action pursuant to Code of Civil Procedure § 382. The "Class" that
23 Plaintiffs seeks to represent is composed of and defined as follows:

24 All exempt and non-exempt employees of Liberty Mutual in California who
25 incurred reasonable and necessary business expenses as a result of their
26 performance of duties for Liberty Mutual during the applicable statute of
27 limitations, including without limitation employees who incurred such expenses
28 while working from home during the COVID-19 pandemic.

///
28

1 16. This action has been brought and may properly be maintained as a class action
2 under Code of Civil Procedure § 382 because there is a well-defined community of interest in
3 the litigation, the proposed Class is easily ascertainable, and Plaintiffs are proper
4 representatives of the Class.

5 17. Numerosity: The potential members of the proposed Class as defined are
6 numerous and therefore joinder of all the members of the Class is impracticable. While the
7 precise number of employees has not been determined at this time, Plaintiffs are informed
8 and believe that Defendants have employed well over 1,000 Class members during the Class
9 Period.

10 18. Ascertainability: The Class is ascertainable in that its members can be
11 identified and located using information contained in Defendants' payroll and personnel
12 records.

13 19. Commonality: There are questions of law and fact common to Plaintiffs and
14 to the Class that predominate over any questions affecting only individual members of the
15 Class. These common questions of law and fact include, but are not limited to, the
16 following: (a) Defendants' policies and practices for reimbursing business expenses incurred
17 by employees, including those expenses incurred while employees are working from home;
18 and (b) whether Plaintiffs and similarly situated employees incurred reasonable and
19 necessary expenses as a consequence of performing duties for Defendants, including duties
20 performed while working from home.

21 20. Typicality: Plaintiffs' claims are typical of the claims of the Class members.
22 Plaintiffs and the proposed Class members incurred unreimbursed business expenses arising
23 out of and caused by Defendants' common course of conduct and policies in violation of the
24 law as alleged herein, in similar ways and for the same types of expenses.

25 21. Adequacy of Representation: Plaintiffs are a members of the proposed Class
26 and will fairly and adequately protect the interests of the proposed Class members.
27 Plaintiffs' interests do not conflict with those of the proposed Class members. Plaintiffs'
28 counsel are competent and experienced in litigating wage and hour class actions and will

1 devote sufficient time and resources to the case and otherwise adequately represent the
2 proposed Class.

3 22. Superiority of Class Action: A class action is superior to other available
4 means for the fair and efficient adjudication of this controversy, since individual joinder of
5 all members of the proposed Class is impractical. Class action treatment will permit a large
6 number of similarly situated persons to prosecute their common claims in a single forum
7 simultaneously, efficiently and without unnecessary duplication of effort and expense that
8 numerous individual actions would engender. Furthermore, the amounts suffered by each
9 individual member of the proposed Class may be relatively small, the expenses and burden of
10 individualized litigation would make it difficult or impossible for individuals of the Class to
11 redress the wrongs done to them while an important public interest will be served by
12 addressing the manner as a class action. The cost to the court system of adjudication of such
13 individualized litigation would be substantial. Individualized litigation would also present
14 the potential for inconsistent or contradictory judgments.

15
16 **FIRST CAUSE OF ACTION**
17 **Cal. Labor Code § 2802**
(Failure to Reimburse Business Expenses)

18 23. Plaintiffs incorporates by reference the preceding paragraphs as fully set forth
19 herein.

20 24. Labor Code § 2802(a) provides: "An employer shall indemnify his or her
21 employee for all necessary expenditures or losses incurred by the employee in direct
22 consequence of the discharge of his or her duties."

23 25. While discharging their duties for Defendants, Plaintiffs and similarly situated
24 employees have incurred reasonable and necessary work-related expenses. Such expenses
25 include, but are not limited to, work-from-home expenses such as internet service charges,
26 telephone service and equipment, cellphone service and equipment, home office equipment,
27 office supplies, mileage for work related errands or travel, increased electric or other utility
28 bills, as well as the fair rental value of home office space.

26. Defendants knew or reasonably should have known that Plaintiffs and the Class were incurring such expenses but have failed to indemnify or reimburse Plaintiffs and similarly situated employees for these expenditures. By requiring those employees to pay expenses they incurred in direct consequence of the discharge of their duties, Defendants have violated and continue to violate Labor Code § 2802.

27. By unlawfully failing to indemnify Plaintiffs and similarly situated employees, Defendants are liable for reasonable attorneys' fees and costs under Labor Code § 2802(c).

SECOND CAUSE OF ACTION
Cal. Business & Professions Code § 17200
(Violation of the Unfair Competition Law)

28. Plaintiffs incorporate by reference the preceding paragraphs as fully set forth herein.

29. Business & Professions Code § 17200, California's Unfair Competition Law ("UCL"), prohibits unfair competition in the form of any unlawful, unfair, or fraudulent business act of practice. Business & Professions Code § 17204 allows "any person who has suffered injury in fact and has lost money or property" to prosecute a civil action for violation of the UCL.

30. During the Class Period, Defendants have committed unlawful, unfair, and/or fraudulent business acts and practices as defined by Business & Professions Code § 17200 by causing Plaintiffs and similarly situated employees to not be reimbursed for reasonable and necessary business expenses in violation of Labor Code § 2802.

31. As a direct and proximate result of Defendants' unlawful business practices, Plaintiffs and similarly situated employees have suffered economic injuries including, but not limited to, unreimbursed business expenses and interest accrued thereon.

32. Injunctive relief is necessary and appropriate to prevent Defendants from continuing and repeating their unlawful, unfair and fraudulent business acts and practices alleged above.

33. Plaintiffs' success in this action will enforce important rights affecting the public interest. Plaintiffs will incur a financial burden in pursuing this action in the public interest. Therefore, an award of reasonable attorneys' fees to Plaintiffs is appropriate pursuant to Code of Civil Procedure § 1021.5.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants, as follows:

1. For an order certifying the proposed Class and designating this action as a class action pursuant to Code Civ. Proc. § 382;
2. For an order appointing Plaintiffs and their counsel to represent the proposed Class as defined herein;
3. For compensatory damages according to proof;
4. For an Order requiring Defendants to make restitution of all unreimbursed business-related expenses that Plaintiffs and the Class incurred;
5. For interest according to proof;
6. For reasonable attorneys' fees and costs; and,
7. For such other relief the Court deems just and proper.

Dated: October 15, 2021

CLAPP & LAUINGER LLP



JAMES F. CLAPP
MARITA MURPHY LAUINGER
Attorneys for Plaintiffs
ALEX CHARALAMBOUS and BRIAN PULLEN

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DEMAND FOR JURY TRIAL

Plaintiffs hereby demands a jury trial.

Dated: October 15, 2021

CLAPP & LAUNGER LLP



JAMES F. CLAPP
MARITA MURPHY LAUNGER
Attorneys for Plaintiffs
ALEX CHARALAMBOUS and BRIAN PULLEN

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
James F. Clapp (145814) Marita M. Lauinger (199242)
CLAPP & LAUINGER LLP, 701 Palomar Airport Road, Ste. 300, Carlsbad, CA 92011

TELEPHONE NO.: 760-209-6565 FAX NO. (Optional): 760-209-6565
E-MAIL ADDRESS: jclapp@clapplegal.com
ATTORNEY FOR (Name): Plaintiffs Charalambous and Pullen

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
STREET ADDRESS: 1225 Fallon Street
MAILING ADDRESS:
CITY AND ZIP CODE: Oakland, CA 94612
BRANCH NAME: René C. Davidson Courthouse

CASE NAME:
Charalambous and Pullen v. Liberty Mutual Insurance Company

FOR COURT USE ONLY

ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
10/15/2021 at 03:49:01 PM
By: Shabra Iyamu, Deputy Clerk

CIVIL CASE COVER SHEET

☒ Unlimited (Amount demanded exceeds \$25,000) ☐ Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

☐ Counter ☐ Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

JUDGE:
DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

☐ Auto (22)
☐ Uninsured motorist (46)
☐ Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)
☒ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)
☐ Other complaint (not specified above) (42)
☐ Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties. d. ☒ Large number of witnesses
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve. e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. ☒ Substantial amount of documentary evidence. f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): (1) Cal. Lab. Code § 2802; (2) Cal. Bus. & Prof. Code § 17200.

5. This case ☒ is ☐ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 15, 2021

Marita M. Lauinger

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort Auto (22)—Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) <i>(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</i> Other P/IPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/Wrongful Death Product Liability <i>(not asbestos or toxic/environmental)</i> (24) Medical Malpractice (45) Medical Malpractice—Physicians & Surgeons Other Professional Health Care Malpractice Other P/IPD/WD (23) Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/WD (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other P/IPD/WD Non-P/IPD/WD (Other) Tort Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) <i>(not civil harassment)</i> (08) Defamation (e.g., slander, libel) (13) Fraud (16) Intellectual Property (19) Professional Negligence (25) Legal Malpractice Other Professional Malpractice <i>(not medical or legal)</i> Other Non-P/IPD/WD Tort (35) Employment Wrongful Termination (36) Other Employment (15)	Contract Breach of Contract/Warranty (06) Breach of Rental/Lease Contract <i>(not unlawful detainer or wrongful eviction)</i> Contract/Warranty Breach—Seller Plaintiff <i>(not fraud or negligence)</i> Negligent Breach of Contract/Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09) Collection Case—Seller Plaintiff Other Promissory Note/Collections Case Insurance Coverage <i>(not provisionally complex)</i> (18) Auto Subrogation Other Coverage Other Contract (37) Contractual Fraud Other Contract Dispute Real Property Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property Mortgage Foreclosure Quiet Title Other Real Property <i>(not eminent domain, landlord/tenant, or foreclosure)</i> Unlawful Detainer Commercial (31) Residential (32) Drugs (38) <i>(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</i> Judicial Review Asset Forfeiture (05) Petition Re: Arbitration Award (11) Writ of Mandate (02) Writ—Administrative: Mandamus Writ—Mandamus on Limited Court Case Matter Writ—Other Limited Court Case Review Other Judicial Review (39) Review of Health Officer Order Notice of Appeal—Labor Commissioner Appeals	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403) Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims <i>(arising from provisionally complex case type listed above)</i> (41) Enforcement of Judgment Enforcement of Judgment (20) Abstract of Judgment (Out of County) Confession of Judgment <i>(non-domestic relations)</i> Sister State Judgment Administrative Agency Award <i>(not unpaid taxes)</i> Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case Miscellaneous Civil Complaint RICO (27) Other Complaint <i>(not specified above)</i> (42) Declaratory Relief Only Injunctive Relief Only <i>(non-harassment)</i> Mechanics Lien Other Commercial Complaint Case <i>(non-tort/non-complex)</i> Other Civil Complaint <i>(non-tort/non-complex)</i> Miscellaneous Civil Petition Partnership and Corporate Governance (21) Other Petition <i>(not specified above)</i> (43) Civil Harassment Workplace Violence Elder/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief From Late Claim Other Civil Petition
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F. ADDENDUM TO CIVIL CASE COVER SHEET

ELECTRONICALLY FILEDSuperior Court of California,
County of Alameda

10/15/2021 at 03:49:01 PM

Short Title:

Charalambous and Pullen v. Liberty Mutual Insurance

CIVIL CASE COVER SHEET ADDENDUM

THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
☐ Oakland, Rene C. Davidson Alameda County Courthouse (446)
 ☐ Hayward Hall of Justice (447)
 ☐ Pleasanton, Gale-Schenone Hall of Justice (448)
 By: Shabira Hyamu, Deputy Clerk

Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)
Auto Tort	Auto tort (22)	<input type="checkbox"/> 34 Auto tort (G) Is this an uninsured motorist case? <input type="checkbox"/> yes <input type="checkbox"/> no
Other PI / PD / WD Tort	Asbestos (04) Product liability (24) Medical malpractice (45) Other PI/PD/WD tort (23)	<input type="checkbox"/> 75 Asbestos (D) <input type="checkbox"/> 89 Product liability (not asbestos or toxic tort/environmental) (G) <input type="checkbox"/> 97 Medical malpractice (G) <input type="checkbox"/> 33 Other PI/PD/WD tort (G)
Non - PI / PD / WD Tort	Bus tort / unfair bus. practice (07) Civil rights (08) Defamation (13) Fraud (16) Intellectual property (19) Professional negligence (25) Other non-PI/PD/WD tort (35)	<input type="checkbox"/> 79 Bus tort / unfair bus. practice (G) <input type="checkbox"/> 80 Civil rights (G) <input type="checkbox"/> 84 Defamation (G) <input type="checkbox"/> 24 Fraud (G) <input type="checkbox"/> 87 Intellectual property (G) <input type="checkbox"/> 59 Professional negligence - non-medical (G) <input type="checkbox"/> 03 Other non-PI/PD/WD tort (G)
Employment	Wrongful termination (36) Other employment (15)	<input type="checkbox"/> 38 Wrongful termination (G) <input checked="" type="checkbox"/> 85 Other employment (G) <input type="checkbox"/> 53 Labor comm award confirmation <input type="checkbox"/> 54 Notice of appeal - L.C.A.
Contract	Breach contract / Wrnty (06) Collections (09) Insurance coverage (18) Other contract (37)	<input type="checkbox"/> 04 Breach contract / Wrnty (G) <input type="checkbox"/> 81 Collections (G) <input type="checkbox"/> 86 Ins. coverage - non-complex (G) <input type="checkbox"/> 98 Other contract (G)
Real Property	Eminent domain / Inv Cdm (14) Wrongful eviction (33) Other real property (26)	<input type="checkbox"/> 18 Eminent domain / Inv Cdm (G) <input type="checkbox"/> 17 Wrongful eviction (G) <input type="checkbox"/> 36 Other real property (G)
Unlawful Detainer	Commercial (31) Residential (32) Drugs (38)	<input type="checkbox"/> 94 Unlawful Detainer - commercial <input type="checkbox"/> 47 Unlawful Detainer - residential <input type="checkbox"/> 21 Unlawful detainer - drugs Is the deft. in possession of the property? <input type="checkbox"/> Yes <input type="checkbox"/> No
Judicial Review	Asset forfeiture (05) Petition re: arbitration award (11) Writ of Mandate (02) Other judicial review (39)	<input type="checkbox"/> 41 Asset forfeiture <input type="checkbox"/> 62 Pet. re: arbitration award <input type="checkbox"/> 49 Writ of mandate Is this a CEQA action (Publ.Res.Code section 21000 et seq) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 64 Other judicial review
Provisionally Complex	Antitrust / Trade regulation (03) Construction defect (10) Claims involving mass tort (40) Securities litigation (28) Toxic tort / Environmental (30) Ins covrg from cmplx case type (41)	<input type="checkbox"/> 77 Antitrust / Trade regulation <input type="checkbox"/> 82 Construction defect <input type="checkbox"/> 78 Claims involving mass tort <input type="checkbox"/> 91 Securities litigation <input type="checkbox"/> 93 Toxic tort / Environmental <input type="checkbox"/> 95 Ins covrg from complex case type
Enforcement of Judgment	Enforcement of judgment (20)	<input type="checkbox"/> 19 Enforcement of judgment <input type="checkbox"/> 08 Confession of judgment
Misc Complaint	RICO (27) Partnership / Corp. governance (21) Other complaint (42)	<input type="checkbox"/> 90 RICO (G) <input type="checkbox"/> 88 Partnership / Corp. governance (G) <input type="checkbox"/> 68 All other complaints (G)
Misc. Civil Petition	Other petition (43)	<input type="checkbox"/> 06 Change of name <input type="checkbox"/> 69 Other petition

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Attorneys for Plaintiffs
ALEX CHARALAMBOUS and BRIAN PULLEN

ELECTRONICALLY FILED
Superior Court of California
County of Alameda
12/09/2021

Chad Furber, Executive Officer / Clerk of the Court
By: Andrel Gospel Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA - OAKLAND

ALEX CHARALAMBOUS and BRIAN
PULLEN, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

LIBERTY MUTUAL INSURANCE
COMPANY, LIBERTY MUTUAL GROUP
INC., and DOES 1 through 10, inclusive,

Defendants.

CASE NO. 21CV000432

**FIRST AMENDED CLASS ACTION
COMPLAINT**

**1. FAILURE TO INDEMNIFY FOR ALL
NECESSARY BUSINESS EXPENSES
(CAL. LAB. CODE § 2802)**

**2. VIOLATION OF CAL. BUS & PROF.
CODE § 17200**

**3. LABOR CODE PRIVATE ATTORNEYS
GENERAL ACT (CAL. LAB. CODE § 2698,
ET SEQ.)**

Jury Trial Demanded

Plaintiffs Alex Charalambous and Brian Pullen, on behalf of themselves and all
others similarly situated complain and allege as follows:

INTRODUCTION

1. This is a class action under California Code of Civil Procedure § 382 seeking
reimbursement of all unreimbursed business expenses, interest, attorney's fees and costs on
behalf of current and former employees of Defendants Liberty Mutual Insurance Company,
Liberty Mutual Group Inc. and DOES 1-10, inclusive, who were not reimbursed for
necessary business expenses as a result of Defendants' violations of California Labor Code

1 § 2802 in the last four years preceding the filing of this action.

2 2. The "Class Period" is the period from the date four years prior to filing of this
3 Complaint through the date notice is mailed to the Class. The violations have been ongoing
4 prior to the filing of this action, are continuing at present, and will continue unless enjoined
5 by the Court.

6 **JURISDICTION AND VENUE**

7 3. This Court has jurisdiction over claims brought under the California Labor
8 Code.

9 4. Venue is proper in this Court because Defendants operate offices and
10 branches within Alameda County, and some of the harms complained of herein occurred
11 within this County. Defendants have not designated a principal business office or
12 headquarters in California.

13 **PARTIES**

14 5. During the Class Period, Plaintiff Alex Charalambous was employed by
15 Defendants as a Senior Account Analyst within the State of California.

16 6. During the Class Period, Plaintiff Brian Pullen was employed by Defendants
17 as an Underwriting Officer - Marine within the State of California.

18 7. During the Class Period, Defendant Liberty Mutual Insurance Company is a
19 Massachusetts corporation with its principal place of business in Boston, Massachusetts.

20 8. During the Class Period, Defendant Liberty Mutual Group Inc. is a
21 Massachusetts corporation with its principal place of business in Boston, Massachusetts.

22 9. The true names and capacities of persons or entities, whether individual,
23 corporate, associate, or otherwise, sued herein as DOES 1 through 10, inclusive, are currently
24 unknown to Plaintiffs, and who therefore sue Defendants by such fictitious names under
25 Code of Civil Procedure § 474. Plaintiffs are informed and believe, and based thereon allege,
26 that each of the Defendants designated herein as a DOE is legally responsible in some
27 manner for the unlawful acts referred to herein. Plaintiffs will seek leave of court to amend
28 this Complaint to reflect the true names and capacities of the Defendants designated

hereinafter as DOES when such identities become known.

10. Defendants are collectively referred to herein as Defendants and/or Liberty Mutual.

11. All of Plaintiffs' claims stated herein are asserted against Defendants and any of their owners, predecessors, successors, subsidiaries, and/or assigns.

FACTUAL BACKGROUND

12. Plaintiffs and similarly situated employees of Defendants were subject to common policies, practices and/or procedures regarding reimbursement of reasonable and necessary expenses, including expenses incurred while employees worked from home during the COVID-19 pandemic.

13. Plaintiffs and similarly situated employees incurred reasonable and necessary business expenses, including expenses incurred while working from home during the COVID-19 pandemic, including without limitation: fees and charges for internet service, cellphone and/or telephone service, telecommunications equipment, cost of home office equipment (e.g., computers, printers, scanners, extra monitors, and headsets), office supplies, increased electricity and other utility bills, and the fair rental value of space occupied by the home office.

14. Defendants knew or reasonably should have known that Plaintiffs and the Class were incurring such expenses but have failed to indemnify or reimburse Plaintiffs and similarly situated employees for these expenditures.

CLASS ACTION ALLEGATIONS

15. Plaintiffs bring this action, on behalf of themselves and all others similarly situated, as a class action pursuant to Code of Civil Procedure § 382. The "Class" that Plaintiffs seeks to represent is composed of and defined as follows:

All exempt and non-exempt employees of Liberty Mutual in California who incurred reasonable and necessary business expenses as a result of their performance of duties for Liberty Mutual during the applicable statute of limitations, including without limitation employees who incurred such expenses while working from home during the COVID-19 pandemic.

1 16. This action has been brought and may properly be maintained as a class action
2 under Code of Civil Procedure § 382 because there is a well-defined community of interest in
3 the litigation, the proposed Class is easily ascertainable, and Plaintiffs are proper
4 representatives of the Class.

5 17. Numerosity: The potential members of the proposed Class as defined are
6 numerous and therefore joinder of all the members of the Class is impracticable. While the
7 precise number of employees has not been determined at this time, Plaintiffs are informed
8 and believe that Defendants have employed well over 1,000 Class members during the Class
9 Period.

10 18. Ascertainability: The Class is ascertainable in that its members can be
11 identified and located using information contained in Defendants' payroll and personnel
12 records.

13 19. Commonality: There are questions of law and fact common to Plaintiffs and
14 to the Class that predominate over any questions affecting only individual members of the
15 Class. These common questions of law and fact include, but are not limited to, the
16 following: (a) Defendants' policies and practices for reimbursing business expenses incurred
17 by employees, including those expenses incurred while employees are working from home;
18 and (b) whether Plaintiffs and similarly situated employees incurred reasonable and
19 necessary expenses as a consequence of performing duties for Defendants, including duties
20 performed while working from home.

21 20. Typicality: Plaintiffs' claims are typical of the claims of the Class members.
22 Plaintiffs and the proposed Class members incurred unreimbursed business expenses arising
23 out of and caused by Defendants' common course of conduct and policies in violation of the
24 law as alleged herein, in similar ways and for the same types of expenses.

25 21. Adequacy of Representation: Plaintiffs are a members of the proposed Class
26 and will fairly and adequately protect the interests of the proposed Class members.
27 Plaintiffs' interests do not conflict with those of the proposed Class members. Plaintiffs'
28 counsel are competent and experienced in litigating wage and hour class actions and will

1 devote sufficient time and resources to the case and otherwise adequately represent the
2 proposed Class.

3 22. Superiority of Class Action: A class action is superior to other available
4 means for the fair and efficient adjudication of this controversy, since individual joinder of
5 all members of the proposed Class is impractical. Class action treatment will permit a large
6 number of similarly situated persons to prosecute their common claims in a single forum
7 simultaneously, efficiently and without unnecessary duplication of effort and expense that
8 numerous individual actions would engender. Furthermore, the amounts suffered by each
9 individual member of the proposed Class may be relatively small, the expenses and burden of
10 individualized litigation would make it difficult or impossible for individuals of the Class to
11 redress the wrongs done to them while an important public interest will be served by
12 addressing the manner as a class action. The cost to the court system of adjudication of such
13 individualized litigation would be substantial. Individualized litigation would also present
14 the potential for inconsistent or contradictory judgments.

15 **FIRST CAUSE OF ACTION**

16 **Cal. Labor Code § 2802**

17 **(Failure to Reimburse Business Expenses)**

18 23. Plaintiffs incorporates by reference the preceding paragraphs as fully set forth
19 herein.

20 24. Labor Code § 2802(a) provides: "An employer shall indemnify his or her
21 employee for all necessary expenditures or losses incurred by the employee in direct
22 consequence of the discharge of his or her duties."

23 25. While discharging their duties for Defendants, Plaintiffs and similarly situated
24 employees have incurred reasonable and necessary work-related expenses. Such expenses
25 include, but are not limited to, work-from-home expenses such as internet service charges,
26 telephone service and equipment, cellphone service and equipment, home office equipment,
27 office supplies, mileage for work related errands or travel, increased electric or other utility
28 bills, as well as the fair rental value of home office space.

26. Defendants knew or reasonably should have known that Plaintiffs and the Class were incurring such expenses but have failed to indemnify or reimburse Plaintiffs and similarly situated employees for these expenditures. By requiring those employees to pay expenses they incurred in direct consequence of the discharge of their duties, Defendants have violated and continue to violate Labor Code § 2802.

27. By unlawfully failing to indemnify Plaintiffs and similarly situated employees, Defendants are liable for reasonable attorneys' fees and costs under Labor Code § 2802(c).

SECOND CAUSE OF ACTION
Cal. Business & Professions Code § 17200
(Violation of the Unfair Competition Law)

28. Plaintiffs incorporate by reference the preceding paragraphs as fully set forth herein.

29. Business & Professions Code § 17200, California's Unfair Competition Law ("UCL"), prohibits unfair competition in the form of any unlawful, unfair, or fraudulent business act of practice. Business & Professions Code § 17204 allows "any person who has suffered injury in fact and has lost money or property" to prosecute a civil action for violation of the UCL.

30. During the Class Period, Defendants have committed unlawful, unfair, and/or fraudulent business acts and practices as defined by Business & Professions Code § 17200 by causing Plaintiffs and similarly situated employees to not be reimbursed for reasonable and necessary business expenses in violation of Labor Code § 2802.

31. As a direct and proximate result of Defendants' unlawful business practices, Plaintiffs and similarly situated employees have suffered economic injuries including, but not limited to, unreimbursed business expenses and interest accrued thereon.

32. Injunctive relief is necessary and appropriate to prevent Defendants from continuing and repeating their unlawful, unfair and fraudulent business acts and practices alleged above.

33. Plaintiffs' success in this action will enforce important rights affecting the

1 public interest. Plaintiffs will incur a financial burden in pursuing this action in the public
 2 interest. Therefore, an award of reasonable attorneys' fees to Plaintiffs is appropriate
 3 pursuant to Code of Civil Procedure § 1021.5.

4 **THIRD CAUSE OF ACTION**
Labor Code Private Attorneys General Act
(Cal. Lab. Code § 2698, et seq.)

6 34. Plaintiffs incorporate by reference the preceding paragraphs as fully set forth
 7 herein.

8 35. As alleged above, Defendants failed to comply with the California Labor
 9 Code. As such, Plaintiff Charalambous is an "aggrieved employee" as defined in Labor Code
 10 § 2699(a). Pursuant to Labor Code § 2699, the Labor Code Private Attorneys General Act of
 11 2004, Plaintiff Charalambous brings this action on behalf of himself and other current and
 12 former exempt and non-exempt employees of Liberty Mutual in California who incurred
 13 reasonable and necessary business expenses as a result of their performance of duties for
 14 Liberty Mutual and seeks recovery of applicable civil penalties in accordance with Cal. Lab.
 15 Code § 2699 and § 2802.

16 36. On October 4, 2021, Plaintiff served written notice via electronic submission
 17 to the Labor and Workforce Development Agency ("LWDA") and via certified mail to
 18 Defendants Liberty Mutual Insurance Company and Liberty Mutual Group Inc. of his intent
 19 to amend his complaint to add a cause of action pursuant to Labor Code § 2699, et seq.

20 37. The LWDA did not respond to the notice or amended notice within the time
 21 provided by Labor Code § 2699.3.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiffs pray for judgment against Defendants, as follows:

24 1. For an order certifying the proposed Class and designating this action as a
 25 class action pursuant to Code Civ. Proc. § 382;

26 2. For an order appointing Plaintiffs and their counsel to represent the proposed
 27 Class as defined herein;

28 3. For compensatory damages according to proof;

4. For an Order requiring Defendants to make restitution of all unreimbursed business-related expenses that Plaintiffs and the Class incurred;
5. For penalties alleged herein;
6. For interest according to proof;
7. For reasonable attorneys' fees and costs; and,
8. For such other relief the Court deems just and proper.

Dated: December 9, 2021

CLAPP & LAUINGER LLP



JAMES F. CLAPP
MARITA MURPHY LAUINGER
Attorneys for Plaintiffs
ALEX CHARALAMBOUS and BRIAN PULLEN

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial.

Dated: December 9, 2021

CLAPP & LAUINGER LLP



JAMES F. CLAPP
MARITA MURPHY LAUINGER
Attorneys for Plaintiffs
ALEX CHARALAMBOUS and BRIAN PULLEN

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612		FILED Superior Court of California County of Alameda 10/15/2021
PLAINTIFF: Alex Charalambous et al	Clerk of the Court / Deputy Clerk of the Court By: <u>S. Iyamu</u> Deputy	
DEFENDANT: Liberty Mutual Insurance Company et al	CASE NUMBER: 21CV000432	
NOTICE OF CASE MANAGEMENT CONFERENCE		

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (Cal. Rules of Court, 3.110(b)).

Give notice of this conference to all other parties and file proof of service.

Your Case Management Conference has been scheduled on:

Date: 02/14/2022	Time: 8:30 AM	Dept.: 19
Location: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612		

TO DEFENDANT(S)/ATTORNEY(S) FOR DEFENDANT(S) OF RECORD:

The setting of the Case Management Conference does not exempt the defendant from filing a responsive pleading as required by law, you must respond as stated on the summons.

TO ALL PARTIES who have appeared before the date of the conference must:

Pursuant to California Rules of Court, 3.725, a completed Case Management Statement (Judicial Council form CM-110) must be filed and served at least 15 calendar days before the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record.

Meet and confer, in person or by telephone as required by Cal. Rules of Court, rule 3.724.

Post jury fees as required by Code of Civil Procedure section 631.

If you do not follow the orders above, the court may issue an order to show cause why you should not be sanctioned under Cal. Rules of Court, rule 2.30. Sanctions may include monetary sanctions, striking pleadings or dismissal of the action.

The judge may place a Tentative Case Management Order in your case's on-line register of actions before the conference. This order may establish a discovery schedule, set a trial date or refer the case to Alternate Dispute Resolution, such as mediation or arbitration. Check the court's eCourt Public Portal for each assigned department's procedures regarding tentative case management orders at <https://eportal.alameda.courts.ca.gov>.

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612</p>	<p align="center">FILED Superior Court of California County of Alameda 10/15/2021</p>
<p>PLAINTIFF/PETITIONER: Alex Charalambous et al</p>	<p>Chad Finke, Executive Officer / Clerk of the Court By: <u>S. Iyamu</u> Deputy</p>
<p>DEFENDANT/RESPONDENT: Liberty Mutual Insurance Company et al</p>	
<p align="center">CERTIFICATE OF MAILING</p>	<p>CASE NUMBER: 21CV000432</p>

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: 10/19/2021

Chad Finke, Executive Officer / Clerk of the Court

By:

Chad Finke, Executive Officer / Clerk of the Court

S. Iyamu, Deputy Clerk

CERTIFICATE OF MAILING

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS:</p> <p>Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612</p>	<p align="center">FILED Superior Court of California County of Alameda 11/12/2021 Chad Finke, Executive Officer / Clerk of the Court By: <u>Angel Logan</u> Deputy Angel Logan</p>
<p>PLAINTIFF:</p> <p>Alex Charalambous et al</p>	
<p>DEFENDANT:</p> <p>Liberty Mutual Insurance Company et al</p>	
<p align="center">NOTICE OF CASE RESCHEDULING OR RELOCATION</p>	<p>CASE NUMBER: 21CV000432</p>

TO THE PARTIES:

You are hereby notified that the above-entitled matter, previously set for hearing in:

Rene C. Davidson Courthouse on 11/15/2021 at 8:30 AM in Department 19

has been rescheduled, or relocated, as follows:

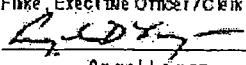
Rene C. Davidson Courthouse on 11/16/2021 at 10:00 AM in Department 21

Chad Finke, Executive Officer / Clerk of the Court

Dated: 11/12/2021

By Angel Logan
Deputy Clerk

NOTICE OF CASE RESCHEDULING OR RELOCATION

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612</p>	<p align="center">FILED Superior Court of California County of Alameda 11/12/2021</p>
<p>PLAINTIFF/PETITIONER: Alex Charalambous et al</p>	<p>Chad Finke, Executive Officer / Clerk of the Court</p>
<p>DEFENDANT/RESPONDENT: Liberty Mutual Insurance Company et al</p>	<p>By:  Deputy Angel Logan</p>
<p align="center">CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6</p>	<p>CASE NUMBER: 21CV000432</p>

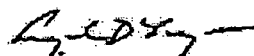
I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Notice of Case Rescheduling or Relocation entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Marita Murphy Lauinger
Clapp & Lauinger LLP
mlauinger@clapplegal.com

Dated: 11/12/2021

Chad Finke, Executive Officer / Clerk of the Court

By:



Angel Logan, Deputy Clerk

ELECTRONICALLY FILED

Superior Court of California,
County of Alameda

11/09/2021 at 04:12:47 PM

By: Andrel Gospel, Deputy Clerk

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ALEX CHARALAMBOUS and BRIAN PULLEN

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA - OAKLAND

ALEX CHARALAMBOUS and BRIAN
PULLEN, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

LIBERTY MUTUAL INSURANCE
COMPANY, LIBERTY MUTUAL GROUP
INC., and DOES 1 through 10, inclusive,

Defendants.

CASE NO. 21CV000432

**PLAINTIFFS' COMPLEX
DETERMINATION STATEMENT**

DATE: November 15, 2021

TIME: 8:30 a.m.

DEPT: 19

Hon. Stephen D. Kaus

On October 15, 2021, plaintiffs Alex Charalambous and Brian Pullen filed their class action complaint alleging their employers, defendants Mutual Liberty Insurance Company and Liberty Mutual Group, Inc., failed to reimburse them and others similarly situated for reasonable and necessary business expenses incurred as a result of the performance of their job duties in violation of Labor Code § 2802 and Business & Professions Code § 17200.

Additionally, on October 4, 2021, plaintiff Alex Charalambous electronically submitted a notice to the Labor and Workforce Development Agency (LWDA) in accordance with Labor Code § 2699.3 alleging civil penalties pursuant to the Labor Code Private Attorneys General Act of 2004, Labor Code § 2698, et seq. (PAGA) for defendants' violation of Labor Code § 2802. The LWDA has until December 7, 2021 to notify plaintiff

1 Charalambous and defendants if it intends to investigate the alleged violation. (Lab. Code §
2 2699.3 (a)(2)(A) and (B).) If the LWDA does not notify the parties of its intention to
3 investigate, plaintiff Charalambous intends to amend the complaint to add a cause of action
4 under PAGA. For this reason, plaintiffs have not yet served their complaint and defendants
5 have not appeared.

6 Plaintiffs understand the Court may wish to continue the Complex Designation
7 Hearing for 60 days until after defendants have appeared. In the event the Court wants to rule
8 on the issues now, plaintiffs request this action be deemed complex. This will be both a class
9 action and a PAGA action alleging a large California employer violated Labor Code § 2802.
10 Liberty Mutual employs hundreds of employees throughout California who were required to
11 bear the cost of working from home, including expenses such as home office equipment,
12 phones, internet service, cellphone and landline service, office supplies, utilities, home office
13 space, as well as other business-related expenses without being fully reimbursed by Liberty
14 Mutual.

15 This action is provisionally complex because it involves a class action. (Cal. Rules of
16 Court, rule 3.400(c)(6).) This action also presents several of the factors set forth in California
17 Rules of Court, rule 3.400(b), including potentially numerous pretrial motions raising
18 difficult or novel legal issues. There will be a motion for class certification as well as
19 litigation over the trial plan, both of which will be time-consuming to resolve. The case
20 presents novel legal issues, which include: what is a California employer's obligation to
21 reimburse employees for business expenses in light of unprecedented work from home orders
22 during a global pandemic and whether the pandemic creates some type of privilege or excuse
23 that allows employers to require employees to work from home without paying their
24 expenses. No court has decided these issues that implicate both Labor Code § 2802 and the
25 availability of penalties under PAGA. Additionally, there will likely be a large number of
26 witnesses and a substantial amount of documentary evidence, as well as likely litigation over
27 the scope of discovery. As this is a class action and a PAGA representative action, it will
28 likely involve substantial post-judgment judicial supervision.

1 Dated: November 9, 2021

CLAPP & LAUNGER LLP

2 

3
4 JAMES F. CLAPP

MARITA MURPHY LAUNGER

Attorneys for Plaintiffs

ALEX CHARALAMBOUS and BRIAN PULLEN



Superior Court of California, County of Alameda Alternative Dispute Resolution (ADR) Information Packet

The person who files a civil lawsuit (plaintiff) must include the ADR Information Packet with the complaint when serving the defendant. Cross complainants must serve the ADR Information Packet on any new parties named to the action.

The Court *strongly encourages* the parties to use some form of ADR before proceeding to trial. You may choose ADR by:

- Indicating your preference on Case Management Form CM-110;
- Filing the Stipulation to ADR and Delay Initial Case Management Conference for 90 Days (a local form included with the information packet); or
- Agree to ADR at your Initial Case Management Conference.

QUESTIONS? Call (510) 891-6055. Email adrprogram@alameda.courts.ca.gov
Or visit the court's website at <http://www.alameda.courts.ca.gov/adr>

What Are The Advantages Of Using ADR?

- *Faster* – Litigation can take years to complete but ADR usually takes weeks or months.
- *Cheaper* – Parties can save on attorneys' fees and litigation costs.
- *More control and flexibility* – Parties choose the ADR process appropriate for their case.
- *Cooperative and less stressful* – In mediation, parties cooperate to find a mutually agreeable resolution.
- *Preserve Relationships* – A mediator can help you effectively communicate your interests and point of view to the other side. This is an important benefit when you want to preserve a relationship.

What Is The Disadvantage Of Using ADR?

- *You may go to court anyway* – If you cannot resolve your dispute using ADR, you may still have to spend time and money resolving your lawsuit through the courts.

What ADR Options Are Available?

- *Mediation* – A neutral person (mediator) helps the parties communicate, clarify facts, identify legal issues, explore settlement options, and agree on a solution that is acceptable to all sides.
 - **Court Mediation Program:** Mediators do not charge fees for the first two hours of mediation. If parties need more time, they must pay the mediator's regular fees.

Some mediators ask for a deposit before mediation starts which is subject to a refund for unused time.

- **Private Mediation:** This is mediation where the parties pay the mediator's regular fees and may choose a mediator outside the court's panel.
- **Arbitration** – A neutral person (arbitrator) hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial and the rules of evidence are often relaxed. Arbitration is effective when the parties want someone other than themselves to decide the outcome.
 - **Judicial Arbitration Program (non-binding):** The judge can refer a case or the parties can agree to use judicial arbitration. The parties select an arbitrator from a list provided by the court. If the parties cannot agree on an arbitrator, one will be assigned by the court. There is no fee for the arbitrator. The arbitrator must send the decision (award of the arbitrator) to the court. The parties have the right to reject the award and proceed to trial.
 - **Private Arbitration (binding and non-binding)** occurs when parties involved in a dispute either agree or are contractually obligated. This option takes place outside of the courts and is normally binding meaning the arbitrator's decision is final.

Mediation Service Programs In Alameda County

Low cost mediation services are available through non-profit community organizations. Trained volunteer mediators provide these services. Contact the following organizations for more information:

SEEDS Community Resolution Center

2530 San Pablo Avenue, Suite A, Berkeley, CA 94702-1612

Telephone: (510) 548-2377 Website: www.seedscrc.org

Their mission is to provide mediation, facilitation, training and education programs in our diverse communities – Services that Encourage Effective Dialogue and Solution-making.

Center for Community Dispute Settlement

291 McLeod Street, Livermore, CA 94550

Telephone: (925) 373-1035 Website: www.trivalleymediation.com

CCDS provides services in the Tri-Valley area for all of Alameda County.

For Victim/Offender Restorative Justice Services

Catholic Charities of the East Bay: Oakland

433 Jefferson Street, Oakland, CA 94607

Telephone: (510) 768-3100 Website: www.cceb.org

Mediation sessions involve the youth, victim, and family members work toward a mutually agreeable restitution agreement.

ALA ADR-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
STIPULATION TO ATTEND ALTERNATIVE DISPUTE RESOLUTION (ADR) AND DELAY INITIAL CASE MANAGEMENT CONFERENCE FOR 90 DAYS	CASE NUMBER: _____

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

This stipulation is effective when:

- All parties have signed and filed this stipulation with the Case Management Conference Statement at least 15 days before the initial case management conference.
- A copy of this stipulation has been received by the ADR Program Administrator, 24405 Amador Street, Hayward, CA 94544 or Fax to (510) 267-5727.

1. Date complaint filed: _____. An **Initial Case Management Conference** is scheduled for:

Date: _____ Time: _____ Department: _____

2. Counsel and all parties certify they have met and conferred and have selected the following ADR process (*check one*):

- ☐ Court mediation ☐ Judicial arbitration
☐ Private mediation ☐ Private arbitration


3. All parties agree to complete ADR within 90 days and certify that:

- No party to the case has requested a complex civil litigation determination hearing;
- All parties have been served and intend to submit to the jurisdiction of the court;
- All parties have agreed to a specific plan for sufficient discovery to make the ADR process meaningful;
- Copies of this stipulation and self-addressed stamped envelopes are provided for returning endorsed filed stamped copies to counsel and all parties;
- Case management statements are submitted with this stipulation;
- All parties will attend ADR conferences; and,
- The court will not allow more than 90 days to complete ADR.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PLAINTIFF)

Date: _____



Page 1 of 2

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY FOR PLAINTIFF)

ALA ADR-001

PLAINTIFF/PETITIONER:

CASE NUMBER.:

DEFENDANT/RESPONDENT:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY FOR DEFENDANT)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse, Department 21

JUDICIAL OFFICER: HONORABLE EVELIO GRILLO

Courtroom Clerk: Reshma Mishra

CSR: None

21CV000432

November 16, 2021

10:00 AM

CHARALAMBOUS, et al.

vs

LIBERTY MUTUAL INSURANCE COMPANY, et al.

MINUTES

APPEARANCES:

No Appearances

NATURE OF PROCEEDINGS: Complex Determination Hearing

COMPLEX DETERMINATION

The Court designates this case as complex pursuant to Rule 3.400 et seq. of the California Rules of Court. Counsel are advised to be familiar with the Alameda County Local Rules concerning complex litigation, including Rule 3.250 et seq. An order assigning the case to a judge and an initial case management order will be issued.

COMPLEX CASE FEES

Pursuant to Government Code section 70616, any non-exempt party who has appeared in the action but has not paid the complex case fee is required to pay the fee within ten days of the filing of this order. The complex case fee is \$1,000 for each plaintiff or group of plaintiffs appearing together and \$1,000 PER PARTY for each defendant, intervenor, respondent or other adverse party, whether filing separately or jointly, up to a maximum of \$18,000 for all adverse parties. All payments must identify on whose behalf the fee is submitted. Please submit payment to the attention of the Complex Litigation Clerk located in the Civil Division at the Rene C. Davidson Courthouse, 1225 Fallon Street, Oakland, CA 94612. Please make check(s) payable to the Clerk of the Superior Court. Documents may continue to be filed as allowed under Local Rule 1.9. Note that for those admitted pro hac vice, there is also an annual fee. (Gov't Code section 70617.)

PROCEDURES

Calendar information, filings, and tentative rulings are available to the public at <http://www.alameda.courts.ca.gov/domainweb/>. All counsel are expected to be familiar and to comply with pertinent provisions of the Code of Civil Procedure, the California Rules of Court, the Alameda County Superior Court Local Rules and the procedures outlined on the domain web

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

page of the assigned department.

SERVICE OF THIS ORDER

Counsel for plaintiff(s) shall have a continuing obligation to serve a copy of this order on newly joined parties defendant not listed on the proof of service of this order and file proof of service. Each party defendant joining any third party cross-defendant shall have a continuing duty to serve a copy of this order on newly joined cross-defendants and to file proof of service.

Pursuant to Government Code Sections 70616(a) and 70616(b), a single complex fee of one thousand dollars (\$1,000.00) must be paid on behalf of all plaintiffs. For defendants, a complex fee of one thousand dollars (\$1,000.00) must be paid for each defendant, intervenor, respondent or adverse party, not to exceed, for each separate case number, a total of eighteen thousand dollars (\$18,000.00), collected from all defendants, intervenors, respondents, or adverse parties. All such fees are ordered to be paid to Alameda Superior Court, within 10 days of service of this order.

The Court orders counsel to obtain a copy of this order from the eCourt portal.

Clad Filke, Executive Officer/Clerk of the Court



By:

R. Mishra, Deputy Clerk

Minutes of: 11/16/2021

Entered on: 11/16/2021

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Alex Charalambous et al Plaintiff/Petitioner(s) VS. Liberty Mutual Insurance Company et al Defendant/Respondent(s)	No. 21CV000432 Date: 11/16/2021 Time: 10:00 AM Dept: 21 Judge: Evelio Grillo ORDER re: Complex Determination Hearing
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COMPLEX DETERMINATION

The Court designates this case as complex pursuant to Rule 3.400 et seq. of the California Rules of Court. Counsel are advised to be familiar with the Alameda County Local Rules concerning complex litigation, including Rule 3.250 et seq. An order assigning the case to a judge and an initial case management order will be issued.

COMPLEX CASE FEES

Pursuant to Government Code section 70616, any non-exempt party who has appeared in the action but has not paid the complex case fee is required to pay the fee within ten days of the filing of this order. The complex case fee is \$1,000 for each plaintiff or group of plaintiffs appearing together and \$1,000 PER PARTY for each defendant, intervenor, respondent or other adverse party, whether filing separately or jointly, up to a maximum of \$18,000 for all adverse parties. All payments must identify on whose behalf the fee is submitted. Please submit payment to the attention of the Complex Litigation Clerk located in the Civil Division at the Rene C. Davidson Courthouse, 1225 Fallon Street, Oakland, CA 94612. Please make check(s) payable to the Clerk of the Superior Court. Documents may continue to be filed as allowed under Local Rule 1.9. Note that for those admitted pro hac vice, there is also an annual fee. (Gov't Code section 70617.)

PROCEDURES

Calendar information, filings, and tentative rulings are available to the public at <http://www.alameda.courts.ca.gov/domainweb/>. All counsel are expected to be familiar and to comply with pertinent provisions of the Code of Civil Procedure, the California Rules of Court, the Alameda County Superior Court Local Rules and the procedures outlined on the domain web page of the assigned department.

SERVICE OF THIS ORDER

Counsel for plaintiff(s) shall have a continuing obligation to serve a copy of this order on newly

ORDER re: Complex Determination Hearing

Page 1 of 2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

joined parties defendant not listed on the proof of service of this order and file proof of service. Each party defendant joining any third party cross-defendant shall have a continuing duty to serve a copy of this order on newly joined cross-defendants and to file proof of service.

Pursuant to Government Code Sections 70616(a) and 70616(b), a single complex fee of one thousand dollars (\$1,000.00) must be paid on behalf of all plaintiffs. For defendants, a complex fee of one thousand dollars (\$1,000.00) must be paid for each defendant, intervenor, respondent or adverse party, not to exceed, for each separate case number, a total of eighteen thousand dollars (\$18,000.00), collected from all defendants, intervenors, respondents, or adverse parties. All such fees are ordered to be paid to Alameda Superior Court, within 10 days of service of this order.

The Court orders counsel to obtain a copy of this order from the eCourt portal.

Dated: 11/16/2021

A handwritten signature in black ink, appearing to read 'E. Grillo', is positioned above the printed name of the judge.

Evelio Grillo / Judge

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): CLAPP & LAUINGER LLP James F. Clapp, Esq. (SBN 145814); Marita Murphy Lauinger, Esq. (SBN 199242) 701 Palomar Airport Road, Suite 300 Carlsbad, California 92011 TELEPHONE NO.: (760) 209-6565 FAX NO. (Optional): (760) 209-6565 E-MAIL ADDRESS (Optional): jclapp@clapplegal.com; mlauinger@clapplegal.com ATTORNEY FOR (Name): Plaintiffs ALEX CHARALAMBOUS and BRIAN PULLEN		<div style="border: 2px solid red; padding: 5px; text-align: center;"> <p style="color: red; font-weight: bold;">To keep other people from seeing what you entered on your form, please press the ELECTRONICALLY FILED button at the end of the form when finished.</p> </div> <p style="text-align: center;">Superior Court of California, County of Alameda 12/14/2021 at 05:44:42 PM By: Curtiyah Ganter, Deputy Clerk</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, California 94612 BRANCH NAME: RENE C. DAVIDSON COURTHOUSE		
PLAINTIFF/PETITIONER: ALEX CHARALAMBOUS and BRIAN PULLEN, etc. DEFENDANT/RESPONDENT: LIBERTY MUTUAL INSURANCE COMPANY, et al.		CASE NUMBER: 21CV000432
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: 2015555L

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): First Amended Class Action Complaint; Civil Case Cover Sheet Addendum and Statement of Location; Notice of Case Management Conference; Notice of Case Rescheduling or Relocation; Plaintiff's Complex Determination Statement
3. a. Party served (specify name of party as shown on documents served):
LIBERTY MUTUAL GROUP INC.
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 CSC Lawyers Incorporating Service, Inc., Agent for Service of Process by serving Lai Saevang, Customer Service Liaison
4. Address where the party was served:
2710 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/13/2021 (2) at (time): 11:28 a.m.
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: ALEX CHARALAMBOUS and BRIAN PULLEN, etc.	CASE NUMBER:
DEFENDANT/RESPONDENT: LIBERTY MUTUAL INSURANCE COMPANY, et al.	21CV000432

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (*specify means of service and authorizing code section*):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☒ On behalf of (*specify*): **LIBERTY MUTUAL GROUP INC.**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Angela Soto, Ace Attorney Service, Inc.
- b. Address: 901 F Street, Suite 150, Sacramento, California 95814
- c. Telephone number: (916) 447-4000
- d. **The fee** for service was: \$ 51.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: December 14, 2021

ANGELA SOTO

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): CLAPP & LAUINGER LLP James F. Clapp, Esq. (SBN 145814); Marita Murphy Lauinger, Esq. (SBN 199242) 701 Palomar Airport Road, Suite 300 Carlsbad, California 92011 TELEPHONE NO.: (760) 209-6565 FAX NO. (Optional): (760) 209-6565 E-MAIL ADDRESS (Optional): jclapp@clapplegal.com; mlauinger@clapplegal.com ATTORNEY FOR (Name): Plaintiffs ALEX CHARALAMBOUS and BRIAN PULLEN	<div style="border: 2px solid red; padding: 5px; text-align: center;"> <p style="color: red; font-weight: bold;">To keep other people from seeing what you entered on your form, please press the ELECTRONICALLY FILED button at the end of the form when finished.</p> </div> <p style="text-align: center;">County of Alameda 12/14/2021 at 05:44:42 PM By: Curtiyah Ganter, Deputy Clerk</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, California 94612 BRANCH NAME: RENE C. DAVIDSON COURTHOUSE	
PLAINTIFF/PETITIONER: ALEX CHARALAMBOUS and BRIAN PULLEN, etc. DEFENDANT/RESPONDENT: LIBERTY MUTUAL INSURANCE COMPANY, et al.	CASE NUMBER: 21CV000432
<p style="text-align: center;">PROOF OF SERVICE OF SUMMONS</p>	Ref. No. or File No.: 2015554L

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): First Amended Class Action Complaint; Civil Case Cover Sheet Addendum and Statement of Location; Notice of Case Management Conference; Notice of Case Rescheduling or Relocation; Plaintiff's Complex Determination Statement
3. a. Party served (specify name of party as shown on documents served):
LIBERTY MUTUAL INSURANCE COMPANY
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 CSC Lawyers Incorporating Service, Inc., Agent for Service of Process by serving Lai Saevang, Customer Service Liaison
4. Address where the party was served:
2710 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/13/2021 (2) at (time): 11:28 a.m.
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: ALEX CHARALAMBOUS and BRIAN PULLEN, etc.	CASE NUMBER:
DEFENDANT/RESPONDENT: LIBERTY MUTUAL INSURANCE COMPANY, et al.	21CV000432

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (*specify means of service and authorizing code section*):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☒ On behalf of (*specify*): **LIBERTY MUTUAL INSURANCE COMPANY**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Angela Soto, Ace Attorney Service, Inc.
- b. Address: 901 F Street, Suite 150, Sacramento, California 95814
- c. Telephone number: (916) 447-4000
- d. **The fee** for service was: \$ 137.04
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: December 14, 2021

ANGELA SOTO

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



Angela Soto

(SIGNATURE)

ELECTRONICALLY FILED

Superior Court of California,
County of Alameda

12/20/2021 at 03:20:13 PM

By: Andrel Gospel, Deputy Clerk

JAMES F. CLAPP (145814)
jclapp@clapplegal.com
MARITA MURPHY LAUINGER (199242)
mlauinger@clapplegal.com
CLAPP & LAUINGER LLP
701 Palomar Airport Road, Suite 300
Carlsbad, California 92011
Tel: 760-209-6565 ext. 101
Fax: 760-209-6565

Attorneys for Plaintiffs
ALEX CHARALAMBOUS and BRIAN PULLEN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA - OAKLAND

ALEX CHARALAMBOUS and BRIAN
PULLEN, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

LIBERTY MUTUAL INSURANCE
COMPANY, LIBERTY MUTUAL GROUP
INC., and DOES 1 through 10, inclusive,

Defendants.

CASE NO. 21CV000432

PROOF OF SERVICE ON ORDER RE:
COMPLEX DETERMINATION HEARING

**PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

I am over the age of 18 and not a party to the within action; I am employed by Clapp & Lauinger LLP, 701 Palomar Airport Road, Suite 300, Carlsbad, California 92011.

On December 14, 2021, I served the foregoing document(s) described as **ORDER RE: COMPLEX DETERMINATION HEARING**

- ☒ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached service list;
- ☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

- ☒ **(BY MAIL)** I placed said envelope(s) for collection and mailing, following ordinary business practices, at the business offices of CLAPP & LAUINGER LLP, and addressed as shown on the attached service list, for deposit in the United States Postal Service. I am readily familiar with the practice of CLAPP & LAUINGER LLP for collection and processing correspondence for mailing with the United States Postal Service, and said envelope(s) will be deposited with the United States Postal Service on said date in the ordinary course of business.
- ☐ **(BY ELECTRONIC SERVICE)** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification address listed above.
- ☐ **(BY FACSIMILE)** I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.
- ☐ **(BY PERSONAL SERVICE)** I delivered such envelope(s) by hand to the offices of the addressee(s).

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed December 14, 2021 at Carlsbad, California.



Teri L. Zaayer

SERVICE LIST

Liberty Mutual Insurance Company
c/o Agent for Service of Process
CSC Lawyers Incorporating Service
2710 Gateway Oaks Dr. Suite 150N
Sacramento, CA 95833

Liberty Mutual Group Inc
c/o Agent for Service of Process
CSC Lawyers Incorporating Service
2710 Gateway Oaks Dr. Suite 150N
Sacramento, CA 95833